

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

LEHMAN BROTHERS SECURITIES  
AND ERISA LITIGATION

Civil Action 09 MD 2017 (LAK)  
ECF CASE

This Document Applies Only to:

*State Compensation Insurance Fund v.*  
*Richard S. Fuld, et al.*,  
No. 1:11-cv-03892-LAK

**JOINT STIPULATION FOR DISMISSAL  
AS AGAINST THE LEHMAN OFFICER DEFENDANTS**

This joint stipulation was entered into on the 2nd day of June 2014, by and among counsel for each of the parties in the referenced actions.

WHEREAS, this action was originally filed in the United States District Court for the Northern District of California on or about May 16, 2011, captioned *State Compensation Insurance Fund v. Fuld et al.*, Case No. 3:11-cv-02400;

WHEREAS, this action was removed and transferred to the United States District Court for the Southern District of New York on or about June 8, 2011, pursuant to transfer orders from the Judicial Panel on Multidistrict Litigation, in the following captioned action: *State Compensation Insurance Fund v. Fuld et al.*, Case No. 1:11-cv-03892-LAK. This action was then coordinated with the master MDL case, *In re Lehman Brothers Securities and ERISA Litigation*, Case No. 1:09-md-02017-LAK, for pretrial proceedings;

WHEREAS, on or about November 29, 2011, plaintiff filed an Amended Complaint;

WHEREAS, on or about January 6, 2012, defendants including Richard S. Fuld, Jr., Christopher M. O'Meara, and Erin Callan (together, the "Officer Defendants") moved to dismiss the Amended Complaint;

1 WHEREAS, on or about March 26, 2013, this Court issued Pretrial Order No. 61 granting  
2 in part and denying in part the motions to dismiss, including with respect to claims against the  
3 Officer Defendants, as further reflected in Pretrial Order No. 66 docketed on May 9, 2013;

4 WHEREAS, on or about June 7, 2013, each of the Officer Defendants answered the  
5 Amended Complaint;

6 WHEREAS, the parties have now resolved the claims regarding the Officer Defendants,  
7 pursuant to the October 18, 2013 Settlement Agreement and Mutual Release. No other party or  
8 other person or entity has filed a pleading or action against the Officer Defendants relating to the  
9 claims brought by plaintiff, and defendants have not filed or raised a counterclaim in this action.  
10 Additionally, on April 24, 2014, this Court entered an order granting the Officer Defendants'  
11 Unopposed Motion for Entry of Bar and Judgment Reduction Order.

12 WHEREAS, this stipulation does not include defendant Ernst & Young LLP, the only  
13 defendant that will remain in the action;

14 NOW, THEREFORE, pursuant to Federal Rule of Civil Procedure 41(a)(1), the parties  
15 hereby stipulate to dismiss the Officer Defendants from the above titled action with prejudice. No  
16 other party to this action (including Defendant Ernst & Young LLP) is being dismissed by this  
17 stipulation, and each party is to bear its own costs.

18 IT IS SO STIPULATED.  
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1 Date: June 2, 2014

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1 SO ORDERED.

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3 Date: \_\_\_\_\_

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Lewis A. Kaplan United States District Judge

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